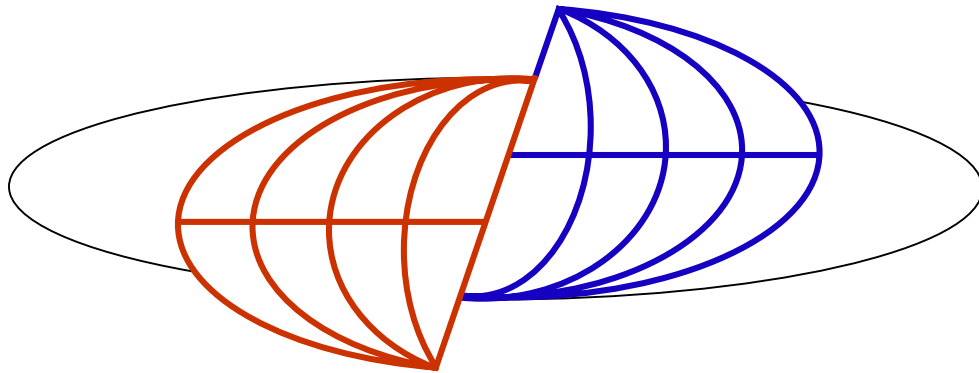


## **SECTION III**

### **OPEN SKIES CONSULTATIVE COMMISSION**

#### **CHAIRPERSON'S STATEMENTS**





### SECTION III

## STATEMENTS BY THE CHAIRPERSON OF THE OPEN SKIES CONSULTATIVE COMMISSION

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STATEMENT BY THE CHAIRMAN  
OF THE OPEN SKIES CONSULTATIVE COMMISSION

A. With regard to the distribution of costs arising under the Treaty on Open Skies the Open Skies Consultative Commission, in fulfillment of its obligation pursuant to Annex L, Section I, paragraph 9, has elaborated the provisions set forth in Decision No. 1 to the Treaty on Open Skies, which the States Parties have endorsed today.

With reference to Section V, paragraph 10 of this decision, it has not been possible, however, to reach agreement on the distribution of costs related to fees for navigational aids and for air traffic control services, airport landing and take-off, ground handling, parking and security for observation, transport and transit flights.

On the basis of the extensive discussion which has taken place on this issue a significant majority of States Parties has agreed that the above-mentioned fees should not be charged to the Observing Party. They consider this to be a fair and reasonable as well as technically simple approach which by facilitating the implementation of the Treaty by all States Parties would thus enhance transparency, confidence- and security-building. Some States Parties, however, could not agree to this principle.

Some States Parties reserved their positions with regard to the provisions of Section V, paragraph 5, pending a satisfactory solution of the problem of the above-mentioned fees.

Taking careful note of the views which have been expressed on this issue, it is apparent to me as Chairman that the question will require further analysis and discussion. It is my hope that Parties will achieve a mutually agreeable and equitable solution before the end of the autumn session.

It is understood by all States Parties that the need to reconsider this issue does not constitute a hindrance to those States Parties who wish to proceed to ratification of the Treaty on Open Skies.

B. I hereby record that the States Parties to the Treaty on Open Skies represented in the Open Skies Consultative Commission, on this date, have taken five decisions entitled:

Decision Number One, Distribution of Costs Arising Under the Treaty on Open Skies;

Decision Number Two, Addition Non-Destructive-Testing Equipment;

Decision Number Three, Methodology For Calculating The Minimum Height Above Ground Level At Which Optical Camera Installed On An Observation Aircraft May Be Operated During An Observation Flight;

Decisions Number Four, Minimum Camera Specification For An Observation Aircraft Of An Observed Party Exercising Its Right To Provide An Observation Aircraft For An Observation Flight; and

Decision Number Five, Responsibility For The Processing Of Film Used During An Observation Flight.

With regard to the five decisions taken today and referred to in this statement, we understand:

that those decisions formally adopted shall be legally binding;

that Article XV of the Treaty on Open Skies shall apply to those decisions; and

that with reference to Article XVII of the Treaty on Open Skies, any State signing or acceding to the Treaty shall also be bound by those decisions.

The Chairman's statement recording the above decisions of the OSCC and these understandings will be recorded in the Journal and transmitted to the Depositaries by the Chairman.

This action of the Open Skies Consultative Commission satisfies the obligation in the Treaty on Open Skies for decisions prior to June 30, 1992 as laid out in: Annex L, Section 1, Paragraph 9; Annex F, Section 1, Paragraph 7; and Appendix 1 to Annex D, Section III, Paragraph 2.

C. The States Parties to the Treaty on Open Skies have agreed that the methodology for determining the operational capabilities of video cameras shall be placed on the agenda for the next session of the Open Skies Consultative Commission. That methodology shall include the definition of video cameras and the means of certifying those capabilities. The decision on the above-mentioned issues should be taken on its own merit, independently of the operating altitudes of other sensors. The States Parties have further agreed that, during an observation flight, video cameras may be used with real time displays. A video camera shall not record imagery on magnetic tape in the case where it is pointed forward of a plane perpendicular to the longitudinal axis of the observation aircraft. When not pointed forward of such a plane, a video camera shall be allowed to record data.

D. With regard to the next, second session of the Open Skies Consultative Commission (OSCC) I would suggest:

that the next session of the OSCC commence during the first week of the CSCE Forum for Security Cooperation, established at the Helsinki Follow-Up Meeting, and that the first plenary be held on September 24, 1992 under the Chairmanship of Denmark;



that the next session of the OSCC may avail itself of common conference services to be provided by the joint Executive Secretary to be established under decisions taken at the Helsinki Follow-Up Meeting and reflected in paragraph 12, Section XII of the Administrative Decisions of the Helsinki Decisions, on the understanding that this agreement is without prejudice to any future decisions of the OSCC regarding modalities for the provision of conference services and the relationship between the OSCC and the Executive Secretary;

that, until relevant decision is taken, the scale of distribution of the costs of the next session be the same as that agreed for the Open Skies Negotiations and for the initial session of the OSCC;

that for the next session, the rules of procedure and working methods agreed here guide the work of the OSCC.

I note that this statement meets with no objection.

STATEMENT BY THE CHAIRMAN  
OF THE OPEN SKIES CONSULTATIVE COMMISSION

The OSCC took note of the report on the “Results of an Anglo-Russian Trial Observation Flight and Recommendations for the Implementation of the Open Skies Treaty” prepared by the United Kingdom and the Russian Federation which was distributed to all delegations. The Chairman noted the understanding that the contents of the report, including its recommendations, would be taken into account at the Commission’s continued work in preparation for implementation.

The chairman of the OSCC expressed the following common understanding of the OSCC with respect to discussions on ecological monitoring held during the second session of the Commission:

“In the opinion of all participants the environmental seminar held on last 3 and 4 December within the framework of the OSCC was a success. It was very useful in that it made it possible to take a look at the available technological capabilities, at the place of the airborne component in the system of environmental monitoring and the potential role that the Open Skies regime could play in this area.

The OSCC was of the opinion that discussions on the possible use of the Open Skies aircraft and regime for ecological purposes could usefully be continued on the understanding that discussions should not lead to delays in entry into force of the Open Skies Treaty.

The OSCC concluded in that context that contacts on this issue could continued in an informal and flexible way in 1993.”

17 January 1994

STATEMENT BY THE CHAIRMAN  
OF THE OPEN SKIES CONSULTATIVE COMMISSION

The Open Skies Consultative Commission agreed to the following Chairman's statement:

In accordance with Article XI of the Treaty on Open Skies the Open Skies Consultative Commission (OSCC) states its intention to make use of the CSCE Communications Network for transmission of notifications and reports of the Open Skies regime as well as data from a possible future Open Skies data base.

For that purpose the OSCC agrees to request the Permanent Committee of the CSCE and the Special Committee of the FSC to give their agreement in principle to the use of the CSCE Communications Network for the above-mentioned purposes.

If the PC/CSCE and SC/FSC agree, then the OSCC tasks its Working Group on Information Exchange (Formats and data base) to elaborate the appropriate procedures and related aspects and to report to the OSCC. The Working Group is advised to work in close co-operation with the Ad Hoc Working Group on Communications of the CSCE.

16 May 1994

STATEMENT BY THE CHAIRMAN  
OF THE OPEN SKIES CONSULTATIVE COMMISSION

Pursuant to the suggestion of the Working Group on Procedures, the Open Skies Consultative Commission has taken note of the intention of the Working Group on Procedures to hold an open-ended informal brainstorming meeting of experts on the possible use of the Open Skies regime in the field of environmental monitoring. The open-ended meeting will be held in the second week of July this year, with the possibility of the active participation of experts from capitals, as well as of representatives from international organizations active in the field of environmental monitoring and protection.

Modalities and timetable will be finalized by the OSCC Working Group on Procedures.

CHAIRMAN'S STATEMENT  
ON PURPOSE AND USE OF SENSOR GUIDANCE DOCUMENTS

The OSCC has adopted Decisions 3, 7, 14, 15 and 16 in accordance with the Treaty requirement to specify procedures for the four Treaty sensor methodologies. These legally binding Decisions are limited in scope to describing "what" is to be accomplished during sensor certification and demonstration flights. The Decisions are silent on the details of "how" to implement the respective methodologies.

In an effort to facilitate the implementation of these Decisions, the Informal Working Group on Sensors (IWGS) will develop Guidance Documents representing the common view worked on at the experts' meetings. These Guidance Documents will be brought to the attention of the Open Skies Consultative Commission and will be applied from then on.

The Guidance Documents will not be legally binding. However, they will be approved as IWGS documents and will serve to translate the negotiators' intent into field implementers' detailed instructions.

A State Party which follows the procedures laid out in the Guidance Documents may expect agreement by those international experts who attend the certification or demonstration flight. However, if a State Party chooses a different procedure for the certification or demonstration flight, it will be requested to explain its approach to those experts who attend the certification or demonstration flight. A different technical approach than those specified in the IWGS Guidance Documents will require detailed and persuasive explanations to obtain agreement by the experts for its use in certification. If the experts are not convinced of the merits of the alternative approach, this issue may provide a basis for not agreeing to the certification and not signing the certification report. This approach would serve as motivation for a State Party to follow an already agreed procedure.

The IWGS has agreed to the above-stated purpose of Guidance Documents and, upon endorsement by the OSCC, this statement will be recorded in the Journal of the day.

CHAIRMAN'S STATEMENT  
ON SCHEDULING INITIAL CERTIFICATIONS

As agreed by the Flight Rules and Procedures Working Group (FRPWG), the OSCC states its intention to use the following procedures to schedule initial certifications.

As soon as possible after the deposit of the instrument of the last key ratification, the Chairman of the Flight Rules and Procedures Working Group shall call a meeting to which all States Parties are invited in order to discuss and agree a schedule of certification by those States Parties which are ready to conduct a certification.

The national participants shall be prepared to provide information such as:

- type of aircraft to certify;
- location of the certification;
- preferred period of the year in which the State Party wishes to conduct its certification;
- in case of a joint certification;
  - types of numbers of aircraft;
  - list of the States Parties jointly conducting the certification of their aircraft;
  - overall duration of the joint certification.

Once the initial certification schedule has been published, any State Party wishing to conduct a new certification shall normally be allowed to do so only after completion of this initial plan, unless otherwise agreed.

CHAIRMAN'S STATEMENT  
ON PRINCIPLES OF SCHEDULING CERTIFICATIONS

As agreed by the Flight Rules and Procedures Working Group (FRPWG), with respect to initial certifications, the OSCC states its intention to adhere to the following principles for scheduling purposes:

In general, for scheduling purposes, seven days will be used for a single certification period, with a gap between each certification period.

For a single certification period:

- In accordance with the Treaty, the amount of time allotted for a single certification is seven days.
- Because of the possibility of unpredictable difficulties such as bad weather, technical difficulties, medical emergency, or force majeure, there is a need for operational flexibility to achieve the goal of certification.
- Such unpredictable events can extend the actual length of the certification up to an additional seven days, making a maximum total of 14 days. This extension will be agreed by consensus of the participants in the certification event at the site, with the goal of successful certification.

Consideration may be given to unique certification events (i.e., joint certifications) following a request to the FRPWG.

From an operational perspective, the FRPWG agrees that there should be a gap between each certification period. Such a gap would allow for flexibility and travel requirements and meet the desire for timely scheduling of all certifications. The period of this gap is likely to be between seven and 14 days and will be determined at the scheduling meeting.

CHAIRMAN'S STATEMENT  
ON OBSERVATION FLIGHTS DURING THE INITIAL CERTIFICATION PERIOD

As agreed by the Flight Rules and Procedures Working Group (FRPWG), for a fixed period following entry into force (EIF) of the Treaty, scheduled by the FRPWG at a meeting to be held following the deposit of the instrument of the last key ratification, observation flights would only occur by bilateral agreement. During deliberations the FRPWG recognized the interests of States Parties as follows:

- Acknowledge that, following EIF, States Parties may undertake observation flights once their aircraft is certified;
- A desire that observation flights do not interfere with a State Party's initial certification process;
- A desire by some States Parties to ensure that their own aircraft certification is finished before accepting any observation flights over their territory during the initial certification period;
- A desire for smooth certification scheduling and sequencing;
- A desire to relieve any perceived pressure to certify first;
- A concern that States Parties with limited numbers of experts could be overburdened during the period of certifications immediately following EIF;
- A concern that normal observation flights are not constrained indefinitely by States Parties that do not certify for whatever reason;
- A desire that observation flights are only conducted on an agreed bilateral basis during the period of initial certifications immediately following EIF.

As agreed by the OSCC<sup>(1)</sup>, the Chairman of the FRPWG will call a meeting to which all States Parties are invited in order to discuss and agree on a schedule of certification by those States Parties which are ready to conduct a certification. This meeting will publish an initial certification schedule. This initial certification schedule will be for a fixed period of time following EIF, and include all States Parties that have an aircraft ready for certification. During this initial certification schedule, beginning and ending on agreed specific calendar dates, observation flights should be conducted in accordance with the Treaty and will be conducted only on an agreed bilateral basis.

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<sup>(1)</sup> OSCC Chairman's Statement dated 23 September 1996.



CHAIRMAN'S STATEMENT  
ON ADDITIONAL AIRCRAFT INFORMATION TO BE PRESENTED

In accordance with Article V, paragraph 2, and Annex C of the Treaty, certain mission planning information shall be provided when a State Party designates an observation aircraft. The Flight Rules and Procedures Working Group recommends that, in order to facilitate the mission planning process for a taxi option, the following additional information should be provided:

- Total usable fuel (typical) as configured for Open Skies operations.
- Ground operating fuel required (standard planning factors for taxi/pre-take-off).
- Take-off fuel required (fuel used from brake release to flaps up configuration).
- Climb time, distance and fuel used to the altitudes cited in Annex C.
- Normal en route cruise (depiction/performance curve representing a range of aircraft gross weights, altitudes and fuel used).
- Normal bank angle (if different from standard or half standard rate turns).
- En route climbs (depiction/performance curve representing a range of aircraft gross weights, fuel used, distance traveled, and time required).
- En route descents (curve representing range, time and fuel used for en route descents).
- Descent/landing time and fuel (standard planning factors for approach and landing from an Initial Approach Point).
- Fuel reserve required at landing/at an alternate site.
- Typical aircraft turn-around time during en route stops.
- Crew duty day limitations.

This information may be provided in text, graph or table format (as appropriate). It may be provided at the time of the Annex C data exchange, aircraft certification or, in the case of a subsequent decision to provide the taxi option, in a timely manner.

CHAIRMAN'S STATEMENT  
ON OBSERVATION FLIGHTS DURING ANY CERTIFICATION  
FOLLOWING THE INITIAL CERTIFICATION PERIOD

As agreed by the Flight Rules and Procedures Working Group (FRPWG), the OSCC states its intention that, during any certification period beyond the initial certification period, observation flights over certifying States Parties would be undertaken after careful consideration.

The FRPWG recognizes that observation flights could interfere with a State Party's certification process. It is understood that the following certifications may take place after the initial certification period:

- A new certification by any State Party;
- The addition of new sensors/sensor configurations to a previously certified aircraft;
- The continuation of a previous certification.

CHAIRMAN'S STATEMENT  
REGARDING THE RECOGNITION OF THE  
"GUIDANCE FOR CERTIFICATION OF SENSORS INSTALLED  
ON OBSERVATION AIRCRAFT AND THEIR ASSOCIATED  
PROCESSING, DUPLICATING AND ANALYSIS EQUIPMENT  
AND THE CONDUCT OF DEMONSTRATION FLIGHTS"

The OSCC takes note of the "Guidance for Certification of Sensors Installed on Observation Aircraft and their Associated Processing, Duplicating and Analysis Equipment and the Conduct of Demonstration Flights" in accordance with the provisions of the earlier adopted Chairman's Statement of 9 November 1994.

CHAIRMAN'S STATEMENT  
ON THE UKRAINIAN PROPOSAL CONCERNING  
"PRINCIPLES OF PLANNING OF MISSIONS  
IN PROXIMITY TO ADJACENT STATES' BORDERS"

The Open Skies Consultative Commission takes note of the Ukrainian proposal of 9 December 1996 on "Principles of Planning of Missions in Proximity to Adjacent States' Borders" and expresses its readiness to consider this issue, which is related to the borders of adjacent non-States Parties, after the Open Skies Treaty has entered into force.

STATEMENT BY THE CHAIRMAN  
OF THE OPEN SKIES CONSULTATIVE COMMISSION

The Open Skies Consultative Commission, in response to concerns regarding flight safety, agrees to the attached Annex to OSCC Decision 20, 12 June 1995. This Annex replaces the letter "O" by "F" in order to avoid confusion between the letter "O" for Observation Flight and the number "0" (zero) in Section IV, paragraph 3, subparagraph four. The Annex also fulfills the requirement in Decision 20, Section IV, paragraph 3, subparagraph three, for the OSCC to agree the list of codes for the observing or transiting State Party.

Decision 20, with the Annex, will be circulated to all States Parties. In accordance with Decision 20, Section IV, paragraph 3, subparagraph three, this Chairman's Statement and Annex will also be published in the journal of the 14 December OSCC Plenary.

STATEMENT BY THE CHAIRMAN  
OF THE OPEN SKIES CONSULTATIVE COMMISSION

I.

The attached Annex to Decision Number One to the Treaty on Open Skies of 10 December 1992, replaces the currency unit denomination “ECUs” by “euro” in Section V, paragraph 2, subparagraphs (A) and (B).

According to Council Regulation (EC) No. 1103/97 of 17 June 1997, on certain provisions relating to the introduction of the euro<sup>1</sup> and Council Regulation (EC) No. 2866/98 of 31 December 1998, on the conversion rates between the euro and the currencies of the Member States adopting the euro,<sup>2</sup> the European currency unit (ECU) ceased to be defined as a basket of component currencies on 1 January 1999. Pursuant to Article 2, paragraph 1, of Council Regulation (EC) No. 1103/97, every reference in a legal instrument to the ECU shall be replaced by a reference to the euro at a rate of one euro to one ECU. As this provision is binding upon the Member States of the European Communities only, the Open Skies Consultative Commission should decide expressly to substitute, in Section V, paragraph 2, subparagraphs (A) and (B), of Decision Number One to the Treaty on Open Skies, the currency unit denomination “euro” for the currency unit denomination “ECU”. The replacement reference rate being 1 euro to 1 ECU, there is no need to amend the numerical amount of 75.

Decision Number One to the Treaty on Open Skies of 10 December 1992, with the suggested annex, if so taken, will be circulated to all States and published in the journal of the OSCC Plenary of 15 March 1999.

II.

Further, it is understood that the prices in the price list referred to in Section V, paragraph 6 of Decision Number One to the Treaty on Open Skies of 10 December 1992, will additionally be denominated in “euro” as from the next issue.

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<sup>1</sup> Official Journal of the European Communities 1997 L 162, page 1.

<sup>2</sup> Official Journal of the European Communities 1998 L 359, page 1.

STATEMENT BY THE CHAIRMAN  
OF THE OPEN SKIES CONSULTATIVE COMMISSION

The Open Skies Consultative Commission (OSCC) recognizes that many States Parties have participated in bilateral and multilateral Open Skies trial flights during the period of provisional application of the Treaty. It is the OSCC's view that bilateral and multilateral Open Skies trial flights are consistent with the stated goals of the Treaty and are beneficial to all participants. The OSCC recalls Annex L, Section III, paragraph 3 of the Treaty, and considers trial flights to be in the spirit of this provision. The OSCC does not believe, however, that trial flights are a substitute for the regime of observation flights as set forth in the Treaty itself. The OSCC strongly encourages States Parties to continue bilateral and multilateral Open Skies trial flights during the period of provisional application.

The OSCC agrees that trial flights have proven essential in achieving the following:

1. THE VALIDITY AND VIABILITY OF OPEN SKIES

It is the OSCC's judgement that trial flights have in fact promoted greater openness and transparency among participating States Parties - the key objective of the Treaty. The OSCC agrees that bilateral and multilateral trial flights have proven, and will continue to prove, the Treaty's validity and viability.

2. PREPARATION OF STATES PARTIES FOR POST-EIF OPERATIONS

Trial flights enable States Parties to develop and refine Treaty procedures, processes, and programmes to accommodate the conglomeration of activities that are required after entry into force (EIF). Examples of these activities include media processing, aircraft designation and inspection procedures, optical target data acquisition, active and passive mission procedures, as well as taxi and third-party aircraft options.

3. POLITICAL SUPPORT FOR ADDITIONAL RATIFICATIONS

There have been a significant number of bilateral and multilateral efforts, including trial flights, aimed at encouraging signatory States to ratify the Treaty. These efforts have contributed most recently to the ratification of the Treaty by Georgia in 1998.

4. DEMONSTRATION OF THE CONCEPT OF OPEN SKIES TO FUTURE STATES PARTIES

Trial flights are an important means of demonstrating the benefits of the Treaty to Observer and other interested States. Flights have been conducted with Finland and Sweden and are planned for Estonia, Lithuania and Latvia in the near future.

5. COMMUNICATING THE CONCEPT OF AERIAL OBSERVATION AS A TOOL  
FOR CONFLICT PREVENTION AND CRISIS MONITORING

Trial flights have been the key to communicating and demonstrating the relevance of aerial observation to conflict-prevention and crisis-monitoring applications. Several Open Skies trial flights with Dayton Article II parties have demonstrated the confidence- and security-building benefits derived from aerial observation, thus furthering the Treaty's preambular intentions for "the potential contribution which an aerial observation regime of this type could make to security and stability in other regions."

It is hoped that the tangible benefits deriving from the trial flights experience will have a positive impact on the entry into force of the Treaty as soon as possible.



CHAIRPERSON'S STATEMENT  
ON ISSUES RELATED TO CERTIFICATION OF  
OBSERVATION AIRCRAFT AND SENSORS

In accordance with the Treaty on Open Skies and relevant decisions of the Open Skies Consultative Commission (OSCC),

Noting the wealth of experience gathered during the period of provisional application,

Taking account of the Sensor Guidance Document (SGD) and other related agreements<sup>\*</sup>,

Anticipating that each individual participant in any certification will have the same opportunities to participate in individual certification events, irrespective of the type of certification (single, unique or joint),

The informal Working Group on Certification has agreed to the following arrangements for the certification of observation aircraft and sensors, which constitute the attachments to this Chairperson's statement.

1. Use of a standard CD-ROM format for distribution of certification documentation (Attachment 1).
2. OSCC determination of the number of individuals participating in a certification (Attachment 2).
3. Principles for the conduct of the C-130 H/POD-system certification (Attachment 3).
4. Principles for joint certifications (Attachment 4).
5. Determination of H<sub>MIN-CERT</sub> (Attachment 5).
6. Use of one calibration target for certification (Attachment 6).

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<sup>\*</sup> In particular the OSCC Chairman's statement on principles for scheduling certifications as of 23 September 1996.

## Attachment 1

USE OF A STANDARD CD-ROM FORMAT FOR DISTRIBUTION  
OF CERTIFICATION DOCUMENTATION

As agreed by the informal Working Group on Certification, the use of CD-ROMs is acceptable and the desired medium for distribution of data relevant to observation aircraft and sensor certification. In order to increase efficiency, CD-ROMs containing this data should be created in accordance with the following standards:

- Microsoft Office 97 is to be used for the Word documents and Excel programs.
- Photographs will be provided in the JPEG file format and saved as separate files.
- Photographs of sensors, required in accordance with the Treaty, Annex D, Section 1, paragraph 6 (B), should be scanned at a minimum of 150 dots per inch (DPI) and using at least 16-bit true colour.
- Additional imagery (digital or otherwise) may be included to complement the Treaty-compliant imagery, should the certifying State wish to do so.

Original photographs, used to create the scanned images on the CD-ROM and required by Annex D, Section 1, paragraph 6 (B), of the Treaty, will be made available at the time of certification.

The certifying States Parties will distribute the CD-ROM to all participating States Parties through their OSCC delegations in Vienna 30 days prior to the beginning of individual certifications. At the same time, additional copies may be provided directly to appropriate verification organizations.

Copies of the distributed CD-ROM will be provided to all other States Parties along with the certification report.

Additionally, one closed copy of the distributed CD-ROM will be made available for filing at the Open Skies Consultative Commission.

## Attachment 2

OSCC DETERMINATION OF THE NUMBER OF INDIVIDUALS  
PARTICIPATING IN A CERTIFICATION

As agreed by the Informal Working Group on Certification, following the notification of a certification period by a State Party, the OSCC will meet to decide the number of individuals from among those States Parties that have notified their intent to participate in the certification at its next formal meeting, but not later than 45 days prior to the scheduled certification.

The Treaty on Open Skies, Annex D, Section I, paragraph 4, states:

“The number of individuals that shall participate in the certification from amongst those States Parties that notified their intention to participate shall be decided upon within the Open Skies Consultative Commission. Unless otherwise agreed, the number of individuals shall total no more than 40 and include no more than four from any one State Party.”

When the number of individuals participating in the certification is limited to 40, the OSCC will use the following methodology to decide on the number of individuals for each State Party that will participate in the certification:

- Each State Party that has notified its intent to participate in certification (through OSF 23) will be represented by at least one notified participant.
- Each State Party will be represented by a second, third and fourth notified participant if all States Parties can be accommodated within the limit of 40.
- In the event that the second through the fourth rounds cannot be completely accommodated, the priority will go to those notifying States Parties for which the certifying State Party has an active quota.
- If conflicts remain for available slots, notifying States Parties may consult amongst themselves and seek agreement. If not, the final participation list will be resolved by drawing lots.

If the State Party hosting the certification is willing to accept participation of all notified participants, it will inform the OSCC that there is no need for a meeting on this subject.

## Attachment 3

PRINCIPLES FOR THE CONDUCT OF THE  
C-130 H/POD-SYSTEM CERTIFICATION

As agreed by the informal Working Group on Certification, the OSCC recognizes that the certification of the C-130 H/Pod system is a unique certification event, and as such will require special arrangements.

Considering that it is in the interest of every State Party to make this unique certification event as time- and cost-effective as possible, the Benelux, Canada, France, Greece, Italy, Norway, Portugal and Spain, hereinafter referred to as the “Pod Users”, propose to offer one C-130 H and its unique sensor system for a seven-day certification period, valid for all Pod Users, provided that the conduct of the preparation phase as outlined below is found satisfactory by the interested States Parties.

The Pod Users support the principle of openness and transparency and strongly wish to accomplish their certification in that spirit.

To achieve these goals, the Pod Users intend to organize the preparation phase for their certification in the following manner:

1. Provide information on the Pod system itself, in addition to that already released. This information will include photographs and descriptions of the various components of the system.
2. Provide information on the aircraft, stressing the differences between the national C-130 H. This information will include photographs, especially of the cockpit, the navigation and communication equipment, and of the instrument panels, and a detailed description of the various components.
3. In order to collect data prior to certification, all Pod Users will fly their own aircraft equipped with the Pod system, using various sensor configurations in accordance with agreed procedures.
4. The same calibration target will be used throughout the whole data-collection campaign and for the certification.
5. All sensor data collected will be processed in accordance with agreed guidelines and film manufacturers' specifications, and will be presented as a consolidated package.
6. In view of increasing openness and transparency and of making the C-130 H/Pod system certification a successful event, the Pod Users will be ready to consider any further request from interested States Parties.

## Attachment 4

## PRINCIPLES FOR JOINT CERTIFICATIONS

As agreed by the informal Working Group on Certification, States Parties intend to use the following principles for joint certification.

Joint certification is when one observation aircraft and its sensors from more than one State Party, or more than one observation aircraft type and its sensors from one or more States Parties are presented for certification in the same location at the same time.

The aim of a joint certification is to realize benefits to States Parties by:

- Reducing the time of the total certification period;
- Reducing travel requirements;
- Eliminating gaps between single certifications;
- Reducing the total time period necessary for unpredictable events.

It is the responsibility of the States Parties wishing to conduct a joint certification to devise a comprehensive framework to ensure all the individual national responsibilities are fulfilled, and to present a plan to the OSCC for scheduling purposes.

While a single certification event is limited to seven days, a joint certification would be limited to a maximum of seven days times the number of observation aircraft being certified. It is anticipated that the actual joint certification plan would be some number of days less than the maximum allowed.

The number of individuals participating in a joint certification shall be in accordance with Annex D, Section I, paragraph 4, which states: "Unless otherwise agreed, the number of individuals shall total no more than 40 and include no more than four from any one State Party." Additional consideration should be given to the total number and distribution of individual participants.

DETERMINATION OF  $H_{\text{MIN-CERT}}$ 

As agreed by the informal Working Group on Certification (IWGC), all States Parties agree that a consistent methodology of technical interpretation for certification is desirable to ensure acceptable results.

The Treaty on Open Skies, Annex D, Section III, paragraph 1 and (B), states: “In addition to conducting a ground examination of the observation aircraft and its sensors, the State Party conducting the certification shall conduct one in-flight examination of its sensors which shall be sufficient to:

...

(B) in the event that the ground resolution of a sensor is dependent upon height above ground level, establish the minimum height above ground level from which each such sensor installed on an observation aircraft of that type and model shall be operated for any observation flight, in accordance with the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty; ...”

Therefore, States Parties have indicated that they are prepared to use the following methodology during certification to determine the  $H_{\text{min-cert}}$  for certifications of optical and video cameras.

$H_{\text{min-cert}}$  will be based upon a methodology of validating  $H_{\text{min-exp}}$ , which is derived from a substantial quantity of data previously collected.  $H_{\text{min-exp}}$  becomes  $H_{\text{min-cert}}$ , if  $H_{\text{min-}}$  calculated during the certification flight is within  $\pm 20$  per cent of  $H_{\text{min-exp}}$ . In accordance with the Sensor Guidance Document (SGD), higher variations should not be considered surprising and are subject to discussion.

## USE OF ONE CALIBRATION TARGET FOR CERTIFICATION

As agreed by the informal Working Group on Certification, States Parties state their intention to adhere to the following principle with regard to calibration targets for the certification of optical and video sensor configurations.

During the briefing prior to the commencement of the in-flight examination of the sensors, each certifying State Party will identify the calibration target it will use during the certification.

OSCC CHAIRPERSON'S STATEMENT ON DISTRIBUTION OF  
NATIONAL DATA AFTER ENTRY INTO FORCE

In accordance with the Treaty on Open Skies and relevant decisions of the Open Skies Consultative Commission (OSCC),

Taking into account the entry into force of the Treaty on Open Skies on 1 January 2002,

Anticipating that each individual State Party wishes to have the latest pertinent national data of all other States Parties, and

With the understanding that all States Parties wish to have to have a smooth and effective entry into force of the Treaty,

During the period commencing no earlier than 1 December 2001 but prior to the dates indicated, if specified,

1. All States Parties to re-issue the following formatted messages:

(a) OSF 11 - Diplomatic Clearance Numbers and Language to Be Used, by 28 February 2002;

(b) OSF 18 - Initial List of Designated Personnel, prior to 28 February 2002, as specified by Article XIII Section I paragraph 1. Updates would be allowed every six months after that date - end August and end February each year;

(c) OSF 26 - Changes to Designation of Sites (and Maximum Flight Distances) by the end of February 2002. Information changes issued by that date would then be effective by the end of May 2002 and in time prior to the first Open Skies observation flight after EIF.

2. All States Parties certifying Sensor Configurations on Designated Observation Aircraft re-issue their latest Technical Information. This would include the following OSFs - 3,4,5,6 and 8, as required prior to the dates required for certification.

3. All States Parties that have previously made agreements to transfer quotas should issue the appropriate OSFs - 36, 37, 1 and 2, by the end of February 2002.



CHAIRPERSON'S STATEMENT ON THE  
CO-ORDINATION OF OBSERVATION FLIGHTS FOR 2002

Realizing that the 1 January 2002 entry into force of the Treaty precluded the declaration of each State Party's right to notify its plans to utilize all or part of its active quota for 2002 prior to 1 November 2001,

Utilizing the procedures for co-ordination specified in Annex H of the Treaty,

The OSCC States Parties declare their intention to adhere to the following principles for the co-ordination of observation flights for the calendar year 2002:

1. Each State Party, having the right to conduct observation flights as specified in Annex A, Section II, of the Treaty, may notify, and is encouraged to notify, using OSF 27, all other States Parties of its plan to utilize all or part of its active quota during the period 1 August 2002 to 31 December 2002, no later than 15 April 2002; and
2. The States Parties involved shall notify the resulting sequence of observation flights, using OSF 28, to all States Parties in accordance with paragraph 3 of Annex H.

CHAIRPERSON'S STATEMENT ON THE  
POSTING OF OSCC DOCUMENTS ON THE  
OSCE DELEGATES' WEBSITE

With reference to Document OSCC.INF/3/02 regarding the posting of OSCC documents to the OSCE Delegates' Website, the Chairperson, on behalf of the Open Skies Consultative Commission, would like to state the following:

The OSCC takes note of the positive experience the Organization and delegations have made with the OSCE Delegates' Website since November 2000. It considers the Website as a powerful tool which can assist delegations in the decision-making process.

The OSCC welcomes the new service offered by the Secretariat, namely to provide electronic access via a secure Website to unclassified and restricted documents distributed by the OSCE Documents Distribution Unit at the Hofburg.

Recalling the sensitivity of certain of its documents, the OSCC notes that the documents on the Website would only be accessible to delegations, which are eligible to receive them.

It takes further note that the current distribution policy (hardcopy distribution to pigeon-holes and e-mail transmission) will remain unchanged.

Based on the above assessment, the OSCC agrees to make available for posting on the secure and restricted Website all its documents registered and distributed by the Chairmanship, the Secretariat, as well as by Delegations except those which the document's originators do not wish to be posted on the website. This will include documents starting from 1 January 2002.

I request that this statement be attached to the Journal of the day.

CHAIRPERSON'S STATEMENT ON PROCEDURE FOR  
ISSUING VISAS TO DESIGNATED PERSONNEL

On behalf of the Open Skies Consultative Commission, taking into account the provisions of Article XIII, Section I, paragraph 3, the Chairperson reminds of the following:

1. Each State Party shall determine, on the basis of the Treaty provisions and its own national legislation, the procedure for issuing visas to designated personnel of other States Parties, which are subject to the provisions of Article XIII, Section I, paragraph 3.
2. Each State Party should notify all States Parties of its procedure before 30 May 2002, via OSF-35.
3. Subsequently, in case of changes in its procedure for issuing visas, a State Party should inform all States Parties about the new procedure for issuing visas via OSF-35, no less than 60 days before new procedures become effective.

CHAIRPERSON'S STATEMENT ON PUBLISHING INFORMATION  
ON DUTY DAY AND REST PERIODS

1. In accordance with Article VI, Section 1, Paragraph 14 of the Treaty on Open Skies and OSCC Journal No. 54, 17 February 1997, Annex 2, safety of flight for all Open Skies flights is considered of great importance and this can be enhanced through the application and sharing of national regulations which provide for limiting the length of time that personnel are required to be on duty, and which specify the amount of rest that personnel are entitled to, in order to ensure that their duties are carried out safely.
2. In order to promote a greater understanding amongst States Parties of each others' national rules with respect to duty and rest regulations, which will ensure safety of flight and permit more effective use of the 96 hour period, it is agreed that in fulfilling the requirements of OSCC Journal No. 54, 17 February 1997, Annex 2, States Parties will publish their national Flight Crew Duty Day and Rest Period regulations, via an OSF 35 prior to 15 July 2002 using the following common set of definitions:
3. "Duty Day" is the period of time from when the first Flight Crew member reports for duty to when the last Flight Crew member is released from duty (this includes mission and weather briefings, maintenance and other delays).
4. "Rest Period" is the period of time from when the last Flight Crew member is released from duty to when the first Flight Crew member reports for duty. This period includes the time required to transit to and from accommodations and the time required for meals.
5. States Parties may also publish national rules with respect to Duty Day and Rest Periods for Flight Representatives and Flight Monitors via an OSF 35.

CHAIRPERSON'S STATEMENT ON  
MINIMUM SAFE FLIGHT ALTITUDES

In accordance with Annex I, paragraph 1(A), of the Treaty on Open Skies and with a view to clarify the requirement to provide information on minimum safe flight altitudes, States Parties have reached the following understanding:

The information required by Annex I, paragraph 1(A) shall also include information on nationally established regulations regarding minimum safe flight altitudes.

CHAIRPERSON'S STATEMENT ON  
MISSION PLANNING OVER CONGESTED AREAS

While reaffirming the right of the observing Party to observe any point on the territory of the observed Party as set forth in the Treaty on Open Skies, and in an attempt to minimize risks during the conduct of observation flights, States Parties will take note of congested areas during mission planning.

CHAIRPERSON'S STATEMENT ON  
STANDARD BILLING INVOICE

In accordance with Decision Number One, Section V, paragraph 9 to the Treaty on Open Skies, the observed Party shall transmit a bill no later than 30 days after completion of an observation flight, clearly itemizing the costs incurred during the observation flight.

In order to standardize the billing process, all States Parties will submit their bill using the standard invoice of the Attachment to this Chairperson's Statement.

STANDARD OPEN SKIES INVOICE	
INVOICE NUMBER:	
TO STATE PARTY:	
FROM STATE PARTY:	
DATE OF INVOICE:	
OBSERVATION FLIGHT REFERENCE NUMBER:	
DATE/TIME OF ARRIVAL:	
DATE/TIME OF DEPARTURE:	
SUMMARY OF COSTS (EUROS)	
MEALS AND ACCOMMODATIONS:	
FUEL, OIL, HYDRAULIC FLUID, GREASE, OXYGEN, WATER, DE-ICING FLUID, DE-ICING CHARGE:	
GROUND TECHNICAL AND COMMERCIAL SERVICING:	
MEDIA AND CHEMICALS:	
ADDITIONAL SERVICES:	
TOTAL INVOICED AMOUNT (EUROS):	
OBSERVED PARTY AGREE AS CORRECT (ON SUBMISSION)	
	NAME: <input type="text"/>
	SIGNATURE: <input type="text"/>
OBSERVING PARTY AGREE AS CORRECT (PRIOR TO PAYMENT)	
	NAME: <input type="text"/>
	SIGNATURE: <input type="text"/>
INVOICE PAYABLE TO THE FOLLOWING BANK:	



MEALS AND ACCOMMODATION COSTS			
INVOICE NUMBER: <input type="text"/>			
TO STATE PARTY: <input type="text"/>			
FROM STATE PARTY: <input type="text"/>			
DATE OF INVOICE: <input type="text"/>			
MEALS/ACCOMMODATION COSTS	NUMBER OF PERSONNEL	DAILY COST PER PERSON (EUROS)	TOTAL DAILY COST (EUROS)
DAY 1			
DAY 2			
DAY 3			
DAY 4			
DAY 5			
DAY 6			
DAY 7			
TOTAL			

TOTAL MEALS AND ACCOMMODATION COST (EUROS)

FLUID, GREASE, OXYGEN, WATER, DE-ICING COSTS FUEL, OIL, HYDRAULIC											
INVOICE NUMBER:				FROM STATE PARTY:							
TO STATE PARTY:				DATE OF INVOICE:							
UPLOAD	FUEL (litres)	OIL (US quarts)	HYDRAULIC FLUID (litres)	GREASE (kg)	OXYGEN (Filling)	WATER (litres)	DE-ICING FLUID (kg)	DE-ICING CHARGE BY AIRCRAFT TYPE			
								CAT 1	CAT 2	CAT 3	CAT 4
1. ON ARRIVAL											
2. DEMO FLIGHT											
3. TRANSIT TO OPEN SKIES AIRFIELD											
4. OBSERVATION FLIGHT - SEGMENT 1											
5. OBSERVATION FLIGHT - SEGMENT 2											
6. OBSERVATION FLIGHT - SEGMENT 3											
7. OBSERVATION FLIGHT - SEGMENT 4											
8. OBSERVATION FLIGHT - SEGMENT 5											
9. TRANSIT TO POINT OF EXIT											
10. DEPARTURE FROM POINT OF EXIT											
TOTAL UPLOAD (NUMBER OF UNITS)											
UNIT COST (EUROS) - KOLN FOR YEAR ____											
TOTAL											

TOTAL FUEL, OIL, HYDRAULIC FLUID, GREASE, OXYGEN, WATER, DE-ICING COST (EUROS)

\_\_\_\_\_

GROUND TECHNICAL AND COMMERCIAL SERVICING COSTS			
INVOICE NUMBER:	<div style="border: 1px solid black; height: 20px;"></div>		
TO STATE PARTY:	<div style="border: 1px solid black; height: 20px;"></div>		
FROM STATE PARTY:	<div style="border: 1px solid black; height: 20px;"></div>		
DATE OF INVOICE:	<div style="border: 1px solid black; height: 20px;"></div>		
EXCHANGE RATE/DATE	<div style="border: 1px solid black; height: 20px;"></div>		
OTHER GROUND TECHNICAL AND COMMERCIAL SERVICING REQUESTED	TYPE	COST (LOCAL CURRENCY)	COST (EUROS)
1. ON ARRIVAL			
2. DEMO FLIGHT			
3. TRANSIT TO OPEN SKIES AIRFIELD			
4. OBSERVATION FLIGHT - SEGMENT 1			
5. OBSERVATION FLIGHT - SEGMENT 2			
6. OBSERVATION FLIGHT - SEGMENT 3			
7. OBSERVATION FLIGHT - SEGMENT 4			
8. OBSERVATION FLIGHT - SEGMENT 5			
9. TRANSIT TO POINT OF EXIT			
10. DEPARTURE FROM POINT OF EXIT			
TOTAL			

TOTAL GROUND TECHNICAL AND COMMERCIAL SERVICING COST (EUROS)

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## MEDIA AND CHEMICAL COSTS

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\_\_\_\_\_

\_\_\_\_\_

Canadian Media Prices as of Year ____			
FILMS	Film Width	Cost (CAD)/Metre	Cost (€)/Metre
Panchromatic, Fine Grain Negative Film	70 mm		
	5 in/127 mm		
	9.5 in/240 mm		
Panchromatic, High Speed Negative Film	70 mm		
	5 in/127 mm		
	9.5 in/240 mm		
Negative Duplicating Film - Neg to Pos	70 mm		
	5 in/127 mm		
	9.5 in/240 mm		
Direct Duplicating Film - Neg to Neg	70 mm		
	5 in/127 mm		
	9.5 in/240 mm		

PROCESSING CHEMICALS	Film Width	Cost (CAD)	Cost ( € )
Replenishing Cost for 30 metres of film	70 mm		
(includes Developer and Fixer)	5 in /127 mm		
	9.5 in/240 mm		
Developer Replenisher Kit for 60 litres			
Fixer Replenisher Kit for 75 litres			
Developer Starter Kit for 34 litres			

MAGNETIC TAPES	Length	Cost (CAD)	Cost ( € )
Video Cassette VHS	120 minutes		
Video Cassette S-VHS	120 minutes		
Video Cassette HI - 8mm	60 minutes		
Video Cassette HI - 8mm	120 minutes		

FILMS TYPES USED	Film Width	Roll Length (metres)	# of Rolls	Total Length (metres)	Cost (Euros)
specify					
TOTAL FILM COSTS (EUROS)					

PHOTO CHEMISTRY USED				Quantity	Cost (Euros)
specify					
TOTAL CHEMISTRY COST (EUROS)					

MAGNETIC TAPES USED					# of Tapes	Cost (Euros)
specify						
TOTAL TAPE COST (EUROS)						

TOTAL MEDIA AND CHEMICAL COST (EUROS)

ADDITIONAL SERVICES COSTS			
INVOICE NUMBER:	<input type="text"/>		
TO STATE PARTY:	<input type="text"/>		
FROM STATE PARTY:	<input type="text"/>		
DATE OF INVOICE:	<input type="text"/>		
EXCHANGE RATE/DATE	<input type="text"/>		
ADDITIONAL SERVICES	TYPE	COST (LOCAL CURRENCY)	COST (EUROS)
1. ON ARRIVAL			
2. DEMO FLIGHT			
3. TRANSIT TO OPEN SKIES AIRFIELD			
4. OBSERVATION FLIGHT - SEGMENT 1			
5. OBSERVATION FLIGHT - SEGMENT 2			
6. OBSERVATION FLIGHT - SEGMENT 3			
7. OBSERVATION FLIGHT - SEGMENT 4			
8. OBSERVATION FLIGHT - SEGMENT 5			
9. TRANSIT TO POINT OF EXIT			
10. DEPARTURE FROM POINT OF EXIT			
TOTAL			

TOTAL ADDITIONAL SERVICES COST (EUROS)

CHAIRPERSON'S STATEMENT  
ON THE REQUEST FOR PASSIVE QUOTAS BY ACCEDING STATES

In accordance with Article III, Section I, paragraphs 2 and 4 and Article III, Section II and Article X, paragraph 4 (D) and Article XVII and Annex A, Section I of the Treaty on Open Skies and subsequent pertinent decisions, as well as OSCC.Dec/8/02/Corr.1, Section 3 on the Guidelines for accession to the Treaty,

1. The allocation of passive quotas is one of the mechanisms whereby the Treaty's aim of providing transparency, security and building confidence between the States Parties is achieved. A State may request an allocation of a passive quota and the level of this quota at the moment of application for accession to the Treaty or anytime thereafter until the date of the OSCC plenary meeting following the deposit of its instrument of accession. In the absence of a specific request made by a State, the OSCC shall, in co-operation with that State, take the necessary steps to allocate a passive quota. In both cases the allocation of a passive quota shall be considered by the OSCC during the regular session of the OSCC following the date of the deposit of its instrument of accession. An OSCC decision shall then be adopted and take effect upon entry into force of the Treaty for that acceding State.

2. The acceding State should consider an appropriate level of passive quotas to meet the Treaty's goals of openness and transparency. The acceding State when requesting a level of passive quota, should take into account the existing allocation of passive quotas as set forth in Annex A and subsequent pertinent OSCC Decisions. Passive quotas allocated to existing States Parties and groups of States Parties have ranged from 2 to 42. In all but one case, four or more passive quotas were allocated.

Other elements to be considered, *inter alia*, as appropriate by the State when making the request:

- Its geographical size and location;
- Its military capabilities, to include infrastructure and armed forces.

3. Only States Parties holding passive quotas may form a group of States Parties. Quota provisions for groups of States Parties as stipulated by Article III, Section II are applicable. In the case of a group of States Parties established pursuant to Article III, Section II, paragraph 3 the OSCC, in co-operation with the States Parties concerned, shall allocate a common total passive quota.

## **STATEMENT BY THE CHAIRPERSON OF THE OPEN SKIES CONSULTATIVE COMMISSION**

1. The purpose of OSF 26 messages is to publish changes, additions and deletions to information. There is currently no simple method for a State Party or group of States Parties to publish an OSF 26 message which contains a summary of all the current relevant information in one consolidated list.

2. Therefore, in order to provide a complete current list of all relevant material, it is agreed that States Parties or groups of States Parties will publish an OSF 26 by 15 March 2003, which lists all current information relating to Annex A, Section III, and Annex E - Appendix 1, Section II, for their State Party or group of States Parties. Paragraphs 5.A.(1), 5.B.(1), 5.(C).(1), etc., of the OSF 26 will be left blank. The remarks section will read: "This OSF 26 is not intended to introduce changes/additions/deletions, but is a summary of all current information.

3. States Parties or groups of States Parties will continue to use an OSF 26, as required during the year, to indicate the changes/additions/deletions to relevant information. However, a consolidated OSF 26 is optional each time an OSF 26 is published. This consolidated OSF 26 shall list all of the information relating to Annex A, Section III, and Annex E - Appendix 1, Section II, that is currently valid for their State Party or group of States Parties. Paragraphs 5.A.(1), 5.B.(1), 5.(C).(1), etc., of the OSF 26 can be left blank for information that has not been modified, and the indication, "Addition, "Change" or "Deletion", entered for information that has been modified. The remarks section may also be used to summarize the portion of the information that has been modified.

If there have been changes during the year, the State Party or group of States Parties shall publish an annual consolidated OSF 26, by 31 December of that year, which lists all of the information relating to Annex A, Section III, and Annex E - Appendix 1, Section II, that is currently valid for that State Party or group of States Parties. Paragraphs 5.A.(1), 5.B.(1), 5.(C).(1), etc., of the OSF 26 will be left blank. The remarks section will read: "This OSF 26 is not intended to introduce changes/additions/deletions, but is a summary of all current information."

5. If there have been no changes to the relevant information during the year, there is no requirement to publish an annual consolidated OSF 26.

## **CHAIRPERSON'S STATEMENT ON INFORMATION BY ACCEDING STATES**

The Open Skies Treaty Articles III (Quotas), XVII (Accession) and Annex A provide for the allocation of passive quotas to States Parties. In addition, OSCC Decision No. 8/02/Corr.1 of 22 April 2002 (Guidelines for accession to the Treaty on Open Skies) and the Chairperson's Statement of 11 November 2002 detail modalities and elements to be taken into consideration.

In order to further facilitate the accession process and ensure that the Open Skies Treaty achieves the broadest possible membership, States wishing to accede are encouraged to provide, ideally upon declaring their intention, every useful information which may include the level of a passive quota, the designation of point(s) of entry/exit, Open Skies airfields and their associated maximum flight distances as well as any intention that may exist to form a group with any other State Party.

Even though it is not explicitly required by the Open Skies Treaty, such an early and, wherever applicable, co-ordinated provision of relevant information would contribute to the Commission reaching a more comprehensive assessment of requests for accession, enable early participation of acceding States in the practical implementation of the Treaty and enhance openness, transparency and confidence-building.



**CHAIRPERSON'S STATEMENT ON  
MODIFICATIONS TO ANNEX A AND ANNEX E  
TO THE TREATY ON OPEN SKIES**

The States Parties take note of the questions regarding implementation of the provisions of Annex A and Annex E to the Treaty on Open Skies and the concerns raised about changes introduced by some States Parties to their national networks of Open Skies airfields and to the maximum flight distances from them.

Willing to proceed in accordance with Article X, paragraphs 4 (A) and (B) and paragraph 5, the States Parties have reached the following understanding:

1. Acting in the spirit of good will, mutual understanding and cooperation characteristic of the Open Skies Consultative Commission's work, the States Parties will concentrate on their mutual concerns related to the national changes previously introduced to Annex A and Annex E to the Treaty on Open Skies, seeking to address these concerns before the summer recess;
2. While seeking to resolve these concerns, the OSCC tasks the Informal Working Group on Rules and Procedures to work on a draft decision which would contain relevant recommendations concerning the introduction of changes to Annex A and Annex E to the Treaty on Open Skies and to submit them for approval at the Commission's Plenary. Such changes should not affect Treaty operation and implementation, or the rights of States Parties, while maintaining flexibility;
3. While this issue is before the Open Skies Consultative Commission, every effort will be made to facilitate the continuing implementation of the Treaty.

## **CHAIRPERSON'S STATEMENT ON ANNUAL EXCHANGE OF LIST OF DESIGNATED PERSONNEL**

In accordance with the Treaty on Open Skies, Articles XI and XIII, and the Chairman's Statement of 18 February 2002, States Parties have exchanged notifications on the initial list of designated personnel (Format OSF 18).

In order to ensure all States Parties are able to maintain current lists of designated personnel, the Chair recommends the following procedures:

1. States Parties may provide updates to the list of designated personnel using Format OSF 19 every six months, publishing the OSF 19 prior to 1 March and 1 September each year.
2. Annually no later than 15 May, States Parties will publish, using Format OSF 18, an original consolidated list of designated personnel. This list will include all changes that have been notified and accepted since the submission of the previous consolidated list. As an exception, States Parties will publish an original consolidated list (OSF 18) for 2003 not later than 31 May 2003.
3. As is current OSCE Communications Network practice, States Parties may issue a corrected notification should information on the original OSF 18 or OSF 19 need to be updated or clarified (new passport number or minor typographical errors). As these notifications tend to be lengthy, it is recommended to identify the correction references in the remarks section. If the correction pertains to an individual(s) who will be participating in an upcoming Treaty mission, the correction should also be highlighted on the Format OSF 12 with an explanation of the correction in the remarks section. Use of a Format OSF 35 for correcting these minor errors is not recommended, as it has proven difficult to track such corrections.
4. States Parties may provide their consolidated list of designated personnel (OSF 18) through the OSCE Communications Network and/or through diplomatic channels in Vienna, including CD-ROM. For practical reasons, States Parties are encouraged to exchange their consolidated list of designated personnel through the OSCE Communications Network.

Norway  
Delegation to the Open Skies Consultative Commission  
19 January 2004

**Statement by the Chairperson  
On the Occasion of the Assumption of the OSCC Chairmanship by  
Norway**

My most sincere thanks to Latvia for the excellent way it handled the Chair during its tenure and for the progress that has been made on a number of important issues.

I am looking forward to enjoying the same level of support and co-operation from Delegations during Norway's chairmanship.

The aim of this introduction is to give an overview of main issues within the OSCC, including its Informal Working Groups (IWGs). Such an overview can be helpful, both to establish a common understanding of where we stand, and form a basis to prioritise our short and long term work. This Chair has no intention of unduly interfering in the Informal Working Groups' work, but they function under the OSCC authority, and they constitute a very important, as well as integral part of the overall activity of the OSCC. The Chair intends to follow closely their work and keep in very close contact with their chairmen.

The general picture is that overall, the Treaty on Open Skies is in good health, and implementation of the Treaty is generally going well. There has been a good, co-operative atmosphere, both during observation flights and in the OSCC fora. With a couple of notable exceptions the Open Skies activity has been successful.

I would now like to examine some of the issues before us:

OSA/MFD

The most pressing issue to be concluded successfully is undoubtedly the question of changes to Annex A Section III information – the so-called OSA/MFD issue, which has been on OSCC agendas for well over one year.

On the positive side, it seems that most of the more technical aspects and the issues related to changes that were made before Entry into Force of the Treaty and even before ratification by all Signatories from 92, now have found solutions that are acceptable to all.

Most of the work on this issue has taken place in the framework of the Informal Working Group on Rules and Procedures (IWGRP), but the issue has also been on the agenda for the OSCC since March of last year.

Despite the progress made, it is of serious concern that the issue has not yet been finalized, given the approaching Spring and Summer flying season. Continued and revitalized efforts by the IWGRP are necessary, and expected, to find a solution in the near term, which meet both the language and spirit of the Treaty. If no solution is found to this pressing operational issue in the very near future, it may negatively impact also on the credibility and authority of the IWGRP, as well as that of the OSCC as such.

In light of the significant progress that has been achieved, it should be fully possible to take the final steps in a very short time, given the necessary will to do so.

This chair will follow closely the progress of this very important issue.

### Distribution of Active Quotas

As has been stated in this forum before – the distribution process last October was a success. It was possible to reach agreement in all cases where the desire to conduct observation flights – the bids – were higher than the numbers available. Agreement was possible due to outstanding work by the co-ordinators, combined with a very high level of flexibility shown by all the States Parties involved.

We have, however, recognised views, also in this forum, calling for a review of this first ever distribution - to assess the need for improvements and potential revisions/updates of the procedures.

As we know the work was already started at the end of our previous session, under Latvian Chairmanship, and this chair support the idea of review.

Even though there is “plenty of time” until the distribution of quotas for 2005, we are in favour of starting as soon as possible. We have now had time to reflect on our experiences, and our memories are still fresh. This is the quiet part of the year, and we could finish before our Spring Break.

Our intention is to first share Lessons Learned in an informal setting and thereby identify problem areas in real need of improvement. This will then form a basis for identifying possible solutions - within the letter and the spirit of the Treaty.

### Review Conference

In accordance with Art XVI, the Depositaries shall convene a conference of the States Parties to review the implementation of the Treaty three years after Entry into Force, which is in 2005.

We just started 2004, but still some aspects might need to be discussed, and even concluded, very soon.

One such issue is to set the date and venue for the Review Conference, to ascertain that we can hold it at the time and place of **our** choice.

But also other issues might benefit from an early review, like

- the general framework and modalities of the RC
- main themes or topics – iaw what kind of RC are we looking for
- modalities and schedule for preparation of the RC.

It is the Chairs intention to have at least some preliminary and informal discussions, of a more brainstorming nature, during this session.

### Review of Dec 8/02

Decision 8/02 has proven to be a very valuable tool for both the current States Parties and the States going through the accession process. However, in particular Sections 3, 10 and 11 regarding Quotas, OSA's and MFD's would benefit from being expanded. The review of in particular Sections 10 and 11 would benefit from a successful conclusion of the issue of MFD/OSA and changes to Annex A, Section III, and should therefore preferably await the outcome of that process.

The Chair intends to undertake informal consultations to see how this issue can best be moved forward.

### Implementation assessment

We have now completed the first full year of practical implementation of the Treaty – and with notable success. However, also in this forum, we have heard statements clearly indicating that there is both need, and room, for improvement. Some of the issues raised have

been commented on by other Delegations, but not all issues have been brought to what we could call an OSCC conclusion. Even though unilateral statements do not change Treaty implementation influencing rights and obligations of other States Parties, it leaves room for some uncertainty and potential for future complications. By their nature most of the issues, if not all, fall under the agenda of the IWGRP. We therefore anticipate those issues to figure on the IWGRP agenda in the near future, and passed to the plenary as required soon thereafter.

In addition, we may also consider getting the implementers together to exchange views and experiences on the implementation until now. This could be done in the context of an extended one-day Informal session of the OSCC with experts from capitals, as an extended one-day IWGRP, or as a separate event.

Such an event could facilitate the preparation for the RC 05, or be a totally independent event. However, this idea would require further development before decision on whether or how to proceed.

#### Review of Decision Number 1

According to Dec 1, Section VI, after one year of practical implementation of the Treaty, the OSCC shall review the necessity for new provisions to calculate costs arising from data sharing.

As a first step the chair intends to undertake informal consultations to find the best way forward on this issue.

#### Other Issues

There are also other important issues that the Chair of course will follow up.

There is a long-standing application for accession before this forum that needs to be resolved in a timely manner. As well, the status of a Signatory State needs to be clarified and the previous Chair initiated this process. Finally, the issue of the passive Quota and MFD for a newly acceded State Party needs to be resolved.

The chair intends to be actively involved in these issues, initially on an informal basis, with the objective of bringing them to a successful closing as soon as possible.

#### Other long-standing issues on IWGRP agenda

Draft Decision 23 on Transits and Draft Decision 24 on cost mechanisms still remain to be resolved and on the IWGRP agenda, although there has been substantial progress made on both these issues. The Chair anticipates that these issues will soon be passed to the Plenary for adoption.

#### Informal Working Group on Sensors

The urgent need to appoint a Chairperson for the Informal Working Group on Sensors – in order to ensure adequate preparation for the fact that as of 01/01/06, infrared sensors are allowed - has been brought to this forums attention. The Chair stands ready at any time to receive offers on candidates for that Chair, and will consult Delegations on the issue.

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In summary, much has been accomplished by the OSCC and its Working Groups in the previous sessions. There are some challenges that still face us, but I am confident that these will be resolved with all States Parties acting to promote the best interests of the Treaty. Again, I again thank Latvia for their Chairmanship, and look forward to your support for another successful OSCC session.

## **CHAIRPERSON'S STATEMENT ON CHANGES TO OPEN SKIES AIRFIELDS AND ASSOCIATED MAXIMUM FLIGHT DISTANCES**

Annex A, Section III provides a list of maximum flight distances (MFDs) for observation flights originating from each Open Skies Airfield (OSA) at the time of signature of the Treaty. Since that time, several States Parties have significantly changed their OSAs and their associated MFDs. Consequently considerable consultation has been conducted by States Parties to address ambiguities and differences of interpretation of the Treaty with regard to the changes to the list of OSAs and associated MFDs.

During these deliberations OSAs and their associated MFDs have been closely examined. Several States Parties have voiced concern regarding the upper limits of MFDs and their ability to actually conduct observation flights in excess of 6,500 km within the 96-hour period, suggesting the possibility of extending the 96-hour period per Article VI, Section I, paragraph 9. Other States Parties challenged such an interpretation and asserted that it was operationally possible to conduct observation flights up to 7200 km.

In an effort to facilitate a common understanding of the changes made to OSAs and their associated MFDs, listed hereunder are the current OSAs and associated MFDs as notified by all States Parties.

This list does not replace Annex A, Section III. It does, however, identify key elements that will serve as a reference for future changes to OSAs and associated MFDs pursuant to OSCC Decision No. 3 (OSCC.DEC/3/04) including:

- The minimum MFD for each State Party's OSA(s);
- The minimum number of OSAs for each State Party;
- The largest MFD for each State Party's OSA(s).

The list of Open Skies airfields and associated maximum flight distances:

The Federal Republic of Germany

KOELN/BONN	1,300 kilometres
NORDHOLZ	1,300 kilometres
INGOLSTADT	1,300 kilometres

The United States of America		
	WRIGHT PATTERSON AFB	4,900 kilometres
	TRAVIS AFB	4,250 kilometres
	ELMENDORF AFB	3,750 kilometres
	McCONNELL AFB	4,800 kilometres
The Republic of Belarus and the Russian Federation group of States Parties		
	KUBINKA	5,500 kilometres
	NOVOSIBIRSK	5,000 kilometres
	KHABAROVSK	5,900 kilometres
	With COMMANDER ISLANDS	6,500 kilometres
	TIKSI	7,200 kilometres
Benelux		
	ZAVENTEM/MELSBROEK	945 kilometres
	VOLKEL	945 kilometres
The Republic of Bulgaria		
	SOFIA	660 kilometres
	BURGAS	660 kilometres
Canada		
	OTTAWA	5,100 kilometres
	IQALUIT	6,150 kilometres
	YELLOWKNIFE	5,100 kilometres
The Kingdom of Denmark		
	AALBORG	1,400 kilometres
	VAGAR	250 kilometres
	SOENDRE STROEMFJORD INTL	5,600 kilometres
The Kingdom of Spain		
	GETAFE	1,800 kilometres
	with BALEARIC ISLANDS	2,000 kilometres
	GANDO	750 kilometres
The French Republic		
	ORLEANS-BRICY	2,078 kilometres
	with CORSICA	2,715 kilometres
The United Kingdom of Great Britain and Northern Ireland		
	BRIZE NORTON	1,500 kilometres
	LEUCHARS	1,500 kilometres

The Hellenic Republic	
THESSALONIKI	1,010 kilometres
LARISA	1,010 kilometres
IRAKLIN/NIKOS KAZANTAKIS	910 kilometres
with KASTELORIZON ISLAND	1,170 kilometres
The Republic of Hungary	
KECSKEMET	860 kilometres
The Republic of Iceland	
KEFLAVIK	1,500 kilometres
The Italian Republic	
CIAMPINO	2,015 kilometres
The Kingdom of Norway	
OSLO-GARDERMOEN	1,700 kilometres
BARDUFOS	1,700 kilometres
The Republic of Poland	
WARSZAWA-OKECIE	1,400 kilometres
The Portuguese Republic	
LISBOA	1,200 kilometres
Sta. MARIA	1,700 kilometres
PORTO SANTO	1,030 kilometres
Romania	
BUCHAREST-OTOPENI	900 kilometres
TIMISOARA	900 kilometres
BACAU	900 kilometres
The Czech Republic	
PARDUBICE	800 kilometres
The Slovak Republic	
SLIAC	750 kilometres
The Republic of Turkey	
ESKISEHIR	1,500 kilometres
DIYARBAKIR	1,500 kilometres
Ukraine	
BORISPOL	2,100 kilometres



The Kingdom of Sweden		
	UPPSALA	1,700 kilometres
	RONNEBY	1,700 kilometres
	LULEA	1,700 kilometres
	STOCKHOLM/ARLANDA	1,700 kilometres
The Republic of Finland		
	HELSINKI-VANTAA	1,400 kilometres
	ROVANIEMI	1,400 kilometres
Georgia		
	TIBLISI-LOCHINO	1,255 kilometres
The Republic of Latvia		
	RIGA INTL	800 kilometres